

IN RE: PETITION FOR VARIANCE
W/S Rolling Road, 68' SW of
Bloomsbury Avenue
(556 Rolling Road)
1st Election District
1st Councilmanic District

Perry B. SeBour, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-457-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 556 South Rolling Road, located in the vicinity of Frederick Road in Catonsville. The Petition was filed by the owners of the property, Perry B. and Deborah L. SeBour. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 402 to permit a minimum lot width of 90 feet in lieu of the required 175 feet, to permit a side yard setback of 9 feet in lieu of the required 20 feet, and to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; from Section 409.6.A.1 to permit four (4) parking spaces in lieu of the required 6; from Section 409.4.C to permit an aisle way width of 9 feet in lieu of the required 22 feet; from Section 409.B.A.1 to permit a variance from landscaping requirements; from Section 409.B.A.2 to permit a gravel parking area in lieu of the required durable and dustless surface; and from Section 409.B.A.6 to permit unstriped parking spaces in lieu of the required striping. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Perry SeBour, property owner, Thomas N. Evans, Jr., Esquire, attorney for the Petitioners, and

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Bruce E. Doak, Registered Property Line Surveyor, who prepared the site plan for this property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.973 acres, more or less, zoned D.R. 2 and is presently improved with a three-story dwelling containing four (4) separate apartments. Mr. SeBour testified that the house was built as four apartments in 1909 and that when he purchased the property a little over six months ago, it was in deplorable condition. Since he purchased the property, Mr. SeBour has made substantial improvements to the site. Photographs were entered into evidence depicting the appearance of the property before and after his purchase of the site. It is clear the improvements he has made have been a benefit to the surrounding community as well as to the property. Testimony indicated that due to the location of existing improvements on the property and his efforts to improve the property consistent with others in the surrounding community, the relief requested is necessary in order to continue with improvements to the site. Testimony indicated that there are other homes with apartments throughout this community and that gravel driveways and parking areas are prevalent. Furthermore, ample parking exists on Rolling Road. Testimony indicated that to require strict compliance with the zoning regulations would create a practical difficulty and unreasonable hardship for this Petitioner. Further testimony indicated that the neighbors support the Petitioners' efforts to improve this site and have no objections to the requested variances.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January

4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

3/11/95

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

ORDER RECEIVED FOR FILING

Date

By

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of August, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 402 to permit a minimum lot width of 90 feet in lieu of the required 175 feet, to permit a side yard setback of 9 feet in lieu of the required 20 feet, and to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; from Section 409.6.A.1 to permit four (4) parking spaces in lieu of the required 6; from Section 409.4.C to permit an aisle way width of 9 feet in lieu of the required 22 feet; from Section 409.B.A.1 to permit a variance from landscaping requirements; from Section 409.B.A.2 to permit a gravel parking area in lieu of the required durable and dustless surface; and from Section 409.B.A.6 to permit unstriped parking spaces in lieu of the required striping, for an

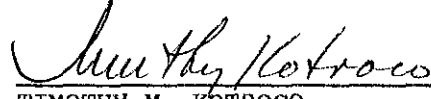
ORDER RECEIVED FOR FILING

Date

By

existing four-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/1/95
By [Signature]

8/1/95 10:00 AM

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 1, 1995

Thomas N. Evans, Jr., Esquire
401 Washington Avenue, Suite 904
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Rolling Road, 68' SW of Bloomsbury Avenue
(556 Rolling Road)
1st Election District - 1st Councilmanic District
Perry B. SeBour, et ux - Petitioners
Case No. 95-457-A

Dear Mr. Evans:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Perry SeBour
2418 Bramarr Avenue, Catonsville, Md. 21228

People's Counsel

File



#450



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5565. Rolling Rd. Catonsville 21228
which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED PAGE 2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The property was purchased with an existing house being utilized as apartments. The apartments have all been completely renovated as such since that purchase. It would be financially devastating to our family if these variances are not granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

Perry Bruce SeBour
(Type or Print Name)

Signature

Perry Bruce SeBour
Signature

Address

Deborah Lynn SeBour
(Type or Print Name)

City State Zipcode

Deborah L. SeBour
Signature

Attorney for Petitioner

2418 Bramarr Ave 410 465-4642
Address Phone No

(Type or Print Name)

Catonsville Md 21228
City State Zipcode

Signature

Name, Address and phone number of representative to be contacted

Address Phone No

Name

City State Zipcode

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr -
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MDK DATE 6/12/95

ORDER RECEIVED FOR FILING

Date 8/1/95
By [Signature]

Printed with Soybean Ink on Recycled Paper



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PAGE 2

VARIANCES REQUESTED

SECTION 402

1. TO PERMIT A MINIMUM LOT WIDTH OF 90' IN LIEU OF REQUIRED 175'.
2. TO PERMIT A SIDE YARD SETBACK OF 9' IN LIEU OF REQUIRED 20'.
3. TO PERMIT A SIDE YARD SETBACK SUM OF 34' IN LIEU OF REQUIRED 50'.

SECTION 409.6.A.1

TO PERMIT 4 PARKING SPACES TO BE LOCATED ON THE SUBJECT PROPERTY IN LIEU OF THE 6 REQUIRED.

SECTION 409.4.C

TO PERMIT AN AISLE WAY OF 9' IN LIEU OF REQUIRED 22'.

SECTION 409.B.A.1

A VARIANCE OF LANDSCAPING REQUIREMENTS.

SECTION 409.B.A.2

TO PERMIT A GRAVEL PARKING AREA IN LIEU OF REQUIRED DURABLE AND DUSTLESS SURFACE.

SECTION 409.B.A.6

TO PERMIT THE PARKING SPACES NOT BE STRIPED IN LIEU OF REQUIRED STRIPING.

MICROFILMED

95-457-A

GORDON T. LANGDON
EDWARD F. DELAGO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors
SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

June 8, 1995

Zoning Description
556 South Rolling Road

All that piece or parcel of land situate, lying and being in the First Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the west side of South Rolling Road, as widened, said point of beginning being distant 68 feet, measured southerly from the intersection of the west side of South Rolling Road along the west side of South Rolling Road with the prolongation of the center line of Bloombury Avenue, thence running and binding on the said south side of South Rolling Road the five following courses and distances, viz: 1) South 12 degrees 04 minutes 39 seconds East 44.33 feet, 2) South 12 degrees 37 minutes 38 seconds East 26.61 feet, 3) South 11 degrees 28 minutes 09 seconds East 18.46 feet, 4) South 15 degrees 52 minutes 28 seconds East 10.20 feet, and 5) South 13 degrees 41 minutes 19 seconds East 18.78 feet, thence leaving said road and binding on the outlines of the herein Petitioner the eight following courses and distances, viz: 6) South 74 degrees 54 minutes 42 seconds West 91.09 feet, 7) South 15 degrees 05 minutes 18 seconds East 6.10 feet, 8) South 74 degrees 54 minutes 42 seconds West 29.30 feet, 9) South 15 degrees 05 minutes 18 seconds East 30.00 feet, 10) South 31 degrees 58 minutes 18 seconds East 102.40 feet, 11) South 41 degrees 56 minutes 42 seconds West 457.02 feet, 12) North 43 degrees 43 minutes 10 seconds West 160.19 feet, 13) North 41 degrees 56 minutes 42 seconds East 662.35 feet to the place of beginning.

Containing 1.973 Acres of land, more or less.

This description is not for conveyance purposes and only fulfills the requirements of the Baltimore County Office of Zoning.



450

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-457

District 1st

Date of Posting 6/30/95

Posted for: Variance

Petitioner: Perry & Deb. So Bear

Location of property: 232 S. Rolling Rd., W/S

Location of Signs: Facing roadway, on property being zoned.

Remarks:

Posted by

[Signature]
Signature

Date of return:

7/7/95

Number of Signs:

2



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 795-457-A
(Item 460)

555 S. Rolling Road
W/S S. Rolling Road, 68' S
of c/o Bloomsbury Avenue
1st Election District
1st Councilmanic

Legal Owner(s):

Perry Bruce SeBour and
Deborah Lynn SeBour

Hearing: Tuesday;

July 18, 1995 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit a minimum lot width of 90 feet in lieu of the required 175 feet; to permit a side yard setback of 9 feet in lieu of the required 20 feet; to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; to permit 4 parking spaces to be located on the subject property in lieu of the 6 required; to permit an aisle way of 9 feet in lieu of the required 22 feet; to permit a valance of landscaping requirements; to permit a gravel parking area in lieu of the required durable and dustless surface; and to permit the parking spaces not be striped in lieu of the required striping.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handiapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please call 887-3391.

1/358 June 29

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/29, 1995

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

~~Publication~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-457-A

Account: R-001-6150

Number

Date 6/12/95

Item: 450

Taken By: MDC

Se Bour, Percy - 556 S. Rolling Rd

020 - Comm Var. - \$250.00

020 - 1 sign - \$35.00

\$285.00

RECEIVED

UNAPPORTIONED

\$285.00

BY 00060394005 12 95

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 450

Petitioner: SeBour, Perry

Location: 556 S. Rolling Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SeBour, Perry

ADDRESS: 2418 Bramarr Ave

Catonsville MD 21228

PHONE NUMBER: (410) 465-4642

TO: PUTUXENT PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Perry SeBour
2418 Bramarr Avenue
Catonsville, MD 21228
465-4642

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-457-A (Item 450)
556 S. Rolling Road
W/S S. Rolling Road, 68' S of c/l Bloomsbury Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Perry Bruce SeBour and Deborah Lynn SeBour
HEARING: TUESDAY, JULY 18, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a minimum lot width of 90 feet in lieu of the required 175 feet; to permit a side yard setback of 9 feet in lieu of the required 20 feet; to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; to permit 4 parking spaces to be located on the subject property in lieu of the 6 required; to permit an aisle way of 9 feet in lieu of the required 22 feet; to permit a variance of landscaping requirements; to permit a gravel parking area in lieu of the required durable and dustless surface; and to permit the parking spaces not be striped in lieu of the required striping.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-457-A (Item 450)

556 S. Rolling Road

W/S S. Rolling Road, 68' S of c/l Bloomsbury Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): Perry Bruce SeBour and Deborah Lynn SeBour

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A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Perry and Deborah SeBour

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 1995

Mr. and Mrs. Perry Bruce SeBour
2418 Bramarr Avenue
Catonsville, Maryland 21228

RE: Item No.: 450
Case No.: 95-457-A
Petitioner: P. B. SeBour, et ux

Dear Mr. and Mrs. SeBour:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 12, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUN. 26, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 450, 451, 452, 453, 454, 455,
457, 458, 459, 460, 463 AND 464.

RECEIVED

JUL 3 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 6/30/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 6/26/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

450
451
452
453
456
457
458
459
460
463
465
467

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 450 (MJR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 3, 1995
Item No. 450

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The driveway entrance will be constructed per Dept. of Public Works Standard Plate R-15, Typical Driveway Entrance from Road without Curb and Gutter.

We recommend that the request to waive the requirements to conform with the Landscape Manual be denied.

RWB:sw

RECEIVED
JUL 10 1995

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Thomas M. Eganish
alt for Deliberation
Perry LePore owner

401 WASHINGTON AVE sub
901

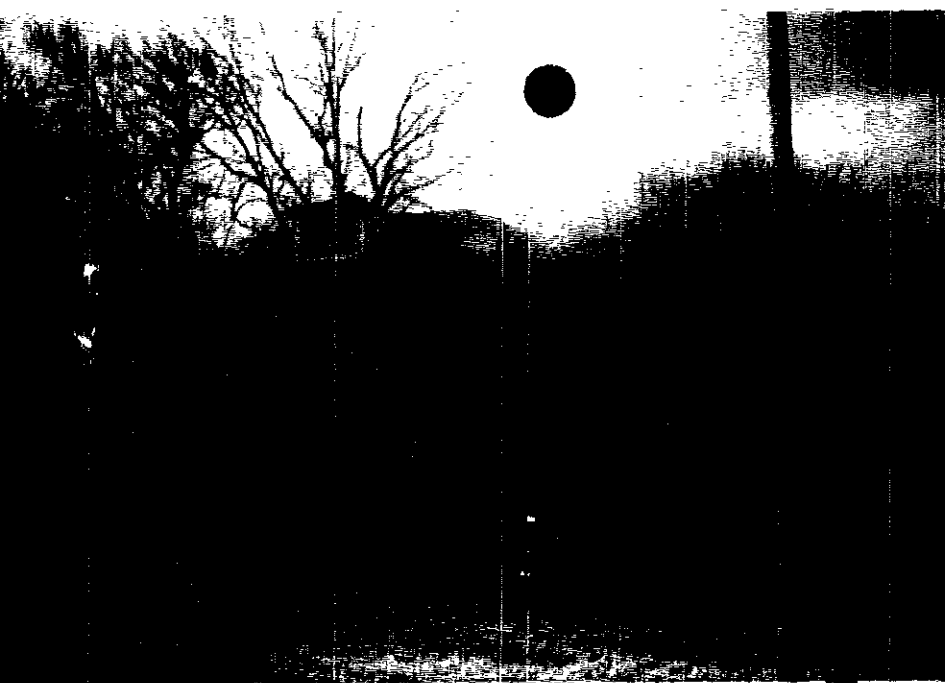
2418 BERMARK AVE

BRUCE E. DOAK - GERHOLD CROSS STREET 320 E. TOWSON TOWN BLVD TOWSON MD
21286



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



1995
VIC 1000000000
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1995



June 1995
still needs downspouts
& trim paint.

1995



①
214 Bloomsbury
1/10 of 1 mile
from 556 S.
Rolling Rd
3 apt units



②
540 S. Rolling Rd
2 apts.
2nd house up
from 556 S.
Rolling

MICROPHONE



③
544 S. Rolling Rd
2 Apts.
3 houses up
from 556 S.
Rolling



(4)

Apt. Complex
on Bloombury
Ave. 2/10 of
mile from
556 Rolling Rd.

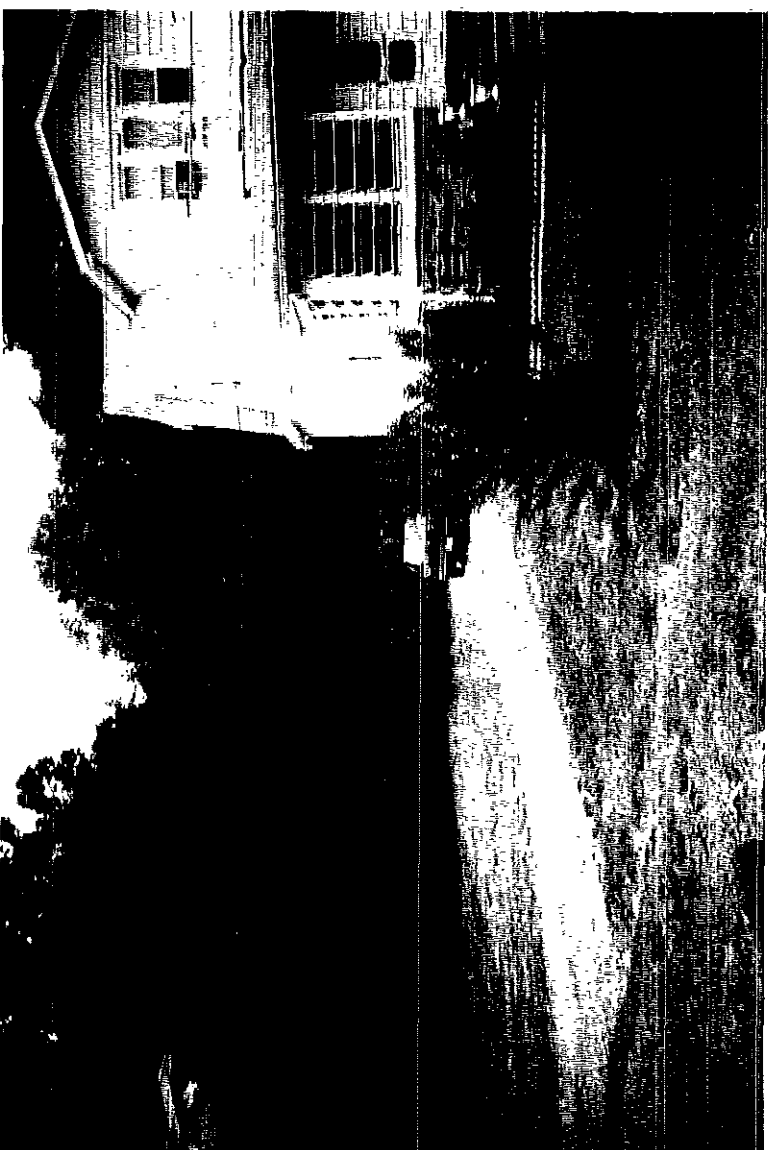


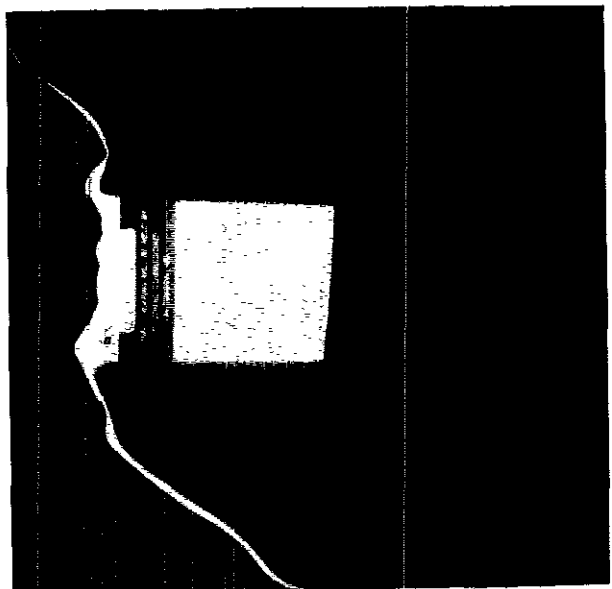
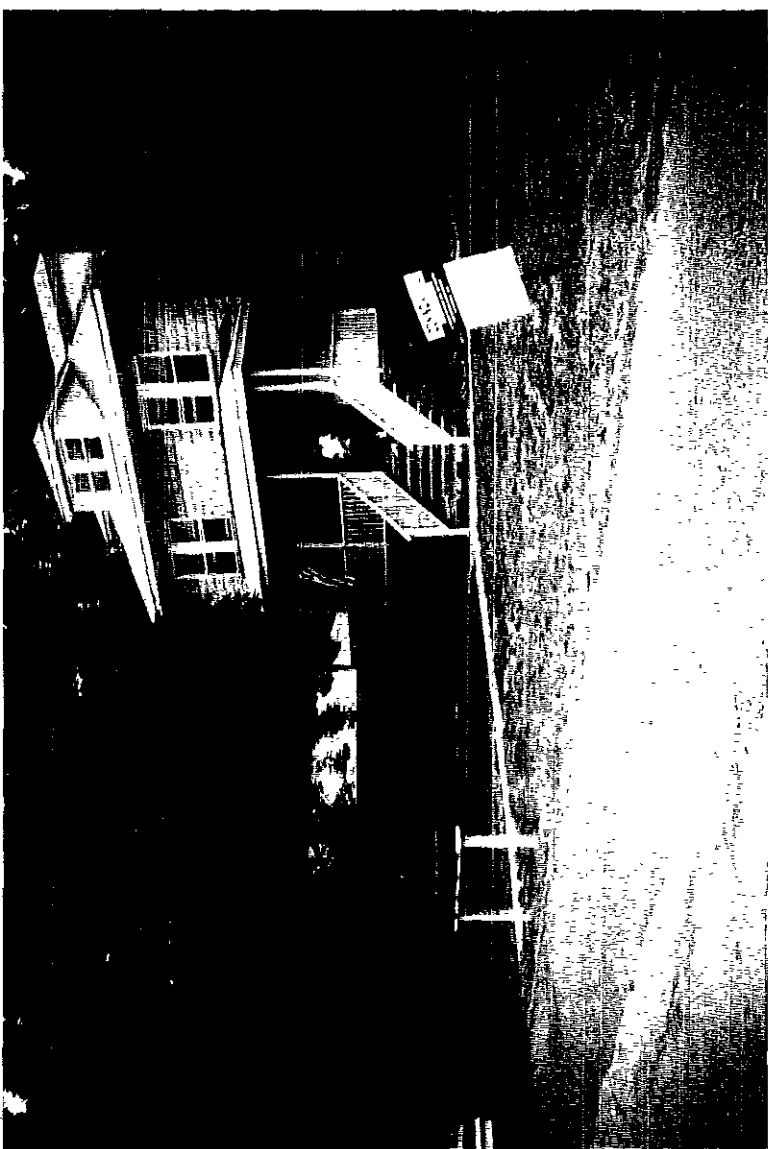
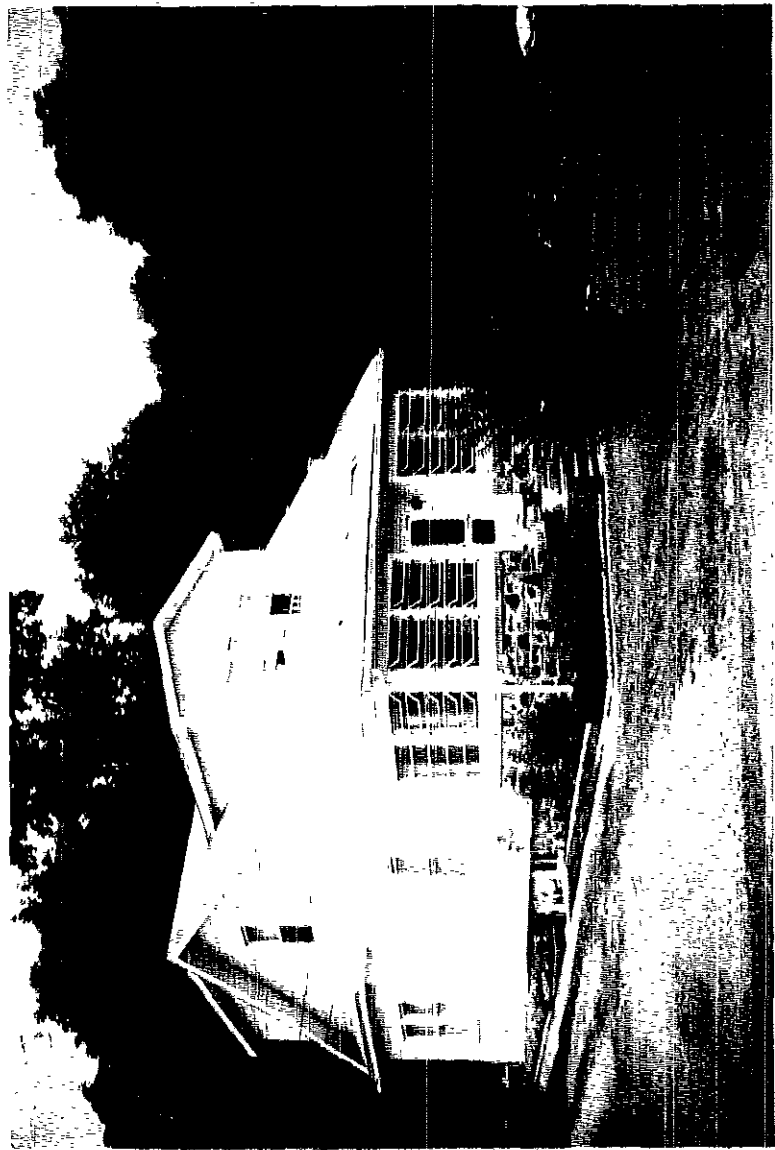
(5)



4 Apt unit
next to the
Above Apt
Complex.

5/10/68





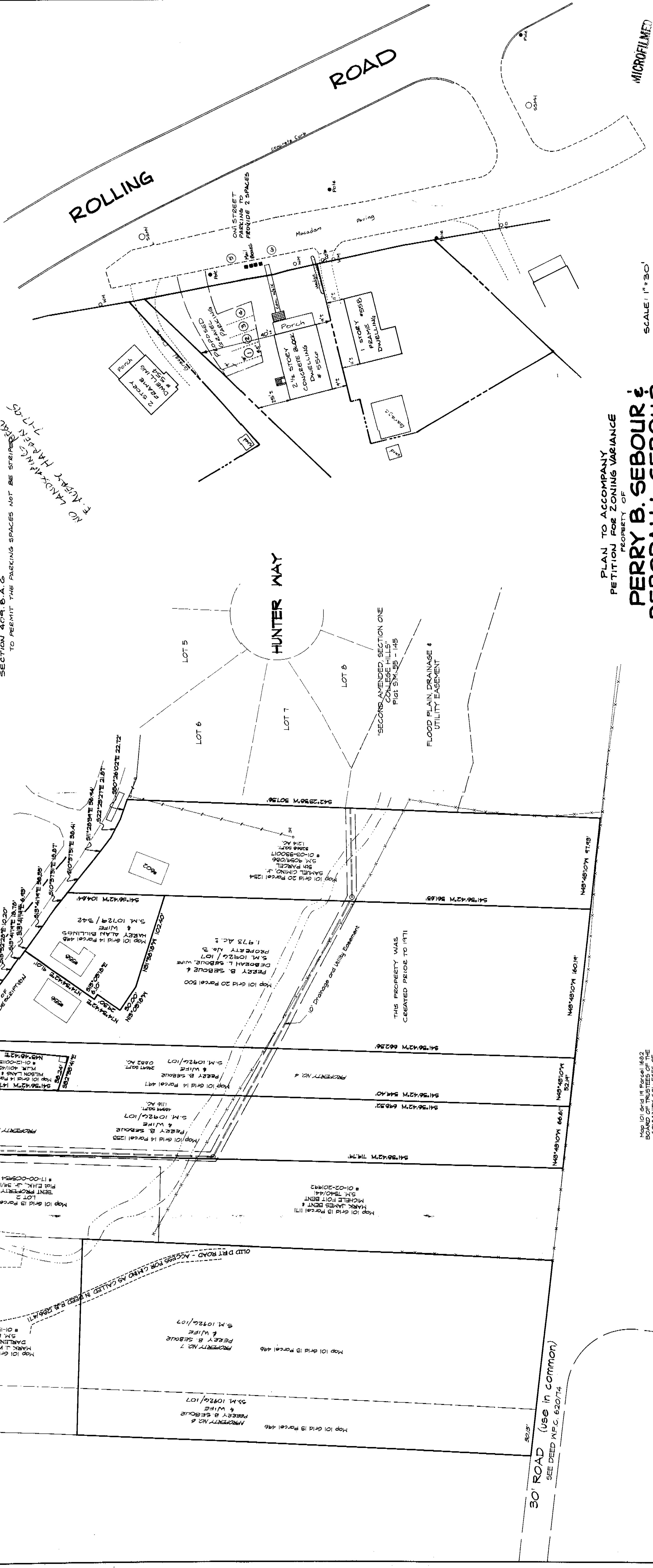
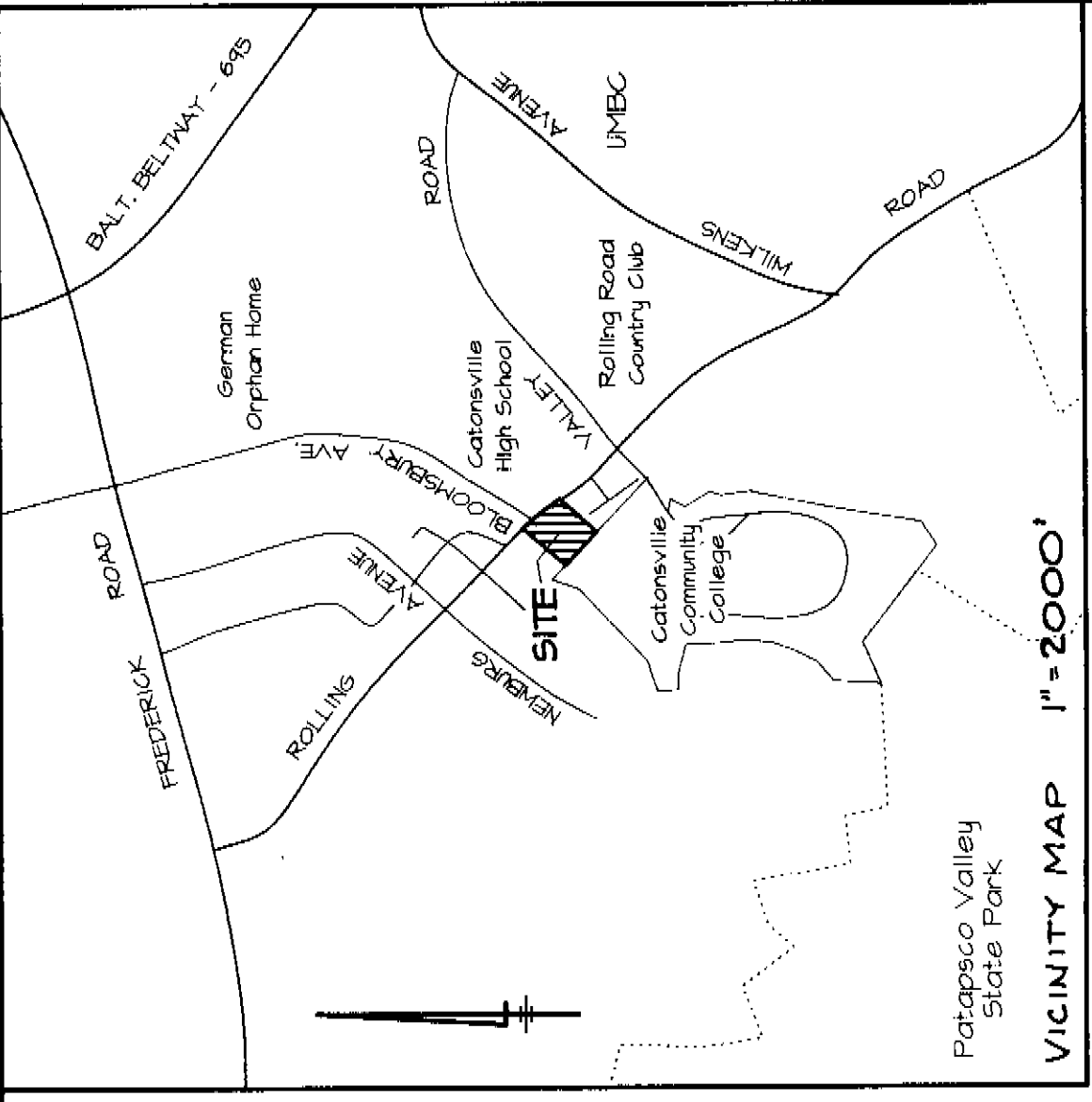
ZONING REQUIREMENTS - DR 2

1. LOT SIZE : 20,000 SQ. FT.
2. LOT WIDTH AT FRONT BUILDING FACE : 175'
3. SIDE YARD SETBACK : 20' MINIMUM - SUM OF 50'
4. PARKING SPACES : 1.5 PER BEDROOM - 4 BEDROOMS - 6 SPACES

VARIANCES REQUESTED

- SECTION 402
1. TO PERMIT A MINIMUM LOT WIDTH OF 90' IN LIEU OF REQUIRED 175'.
2. TO PERMIT A SIDE YARD SETBACK OF 9' IN LIEU OF REQUIRED 20'.
3. TO PERMIT A SIDE YARD SETBACK SUM OF 34' IN LIEU OF REQUIRED 50'.
SECTION 409, G.A.1
TO PERMIT 4 PARKING SPACES TO BE LOCATED ON THE SUBJECT PROPERTY IN LIEU OF THE 6 REQUIRED.
SECTION 409, G.A.2
TO PERMIT A SIDE WAY OF 9' IN LIEU OF REQUIRED 22'.
SECTION 409, G.A.3
A VARIANCE OF LANDSCAPING REQUIREMENTS.
SECTION 409, G.A.4
TO PERMIT A GRAVEL PARKING AREA.
SECTION 409, G.A.5
TO PERMIT THE PARKING SPACES NOT BE STRIPED.

NO LANDSCAPING REQUIRED.
T. KUBERT HARBEN 7-17-95



PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PROPERTY OF
**PERRY B. SEBOUR &
DEBORAH L. SEBOUR**
#556 S. ROLLING ROAD

LOCATED IN
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN JUNE 8, 1995



GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

Map 101 Grid is Parcel 1602
Baltimore County, Maryland
BALTIMORE COUNTY, MARYLAND
#01-02-201442
#01-02-201443

SCALE: 1" = 50'

MICROFILMED

SCALE: 1" = 30'

30' ROAD (use in common)
SEE DEED WFC 62074

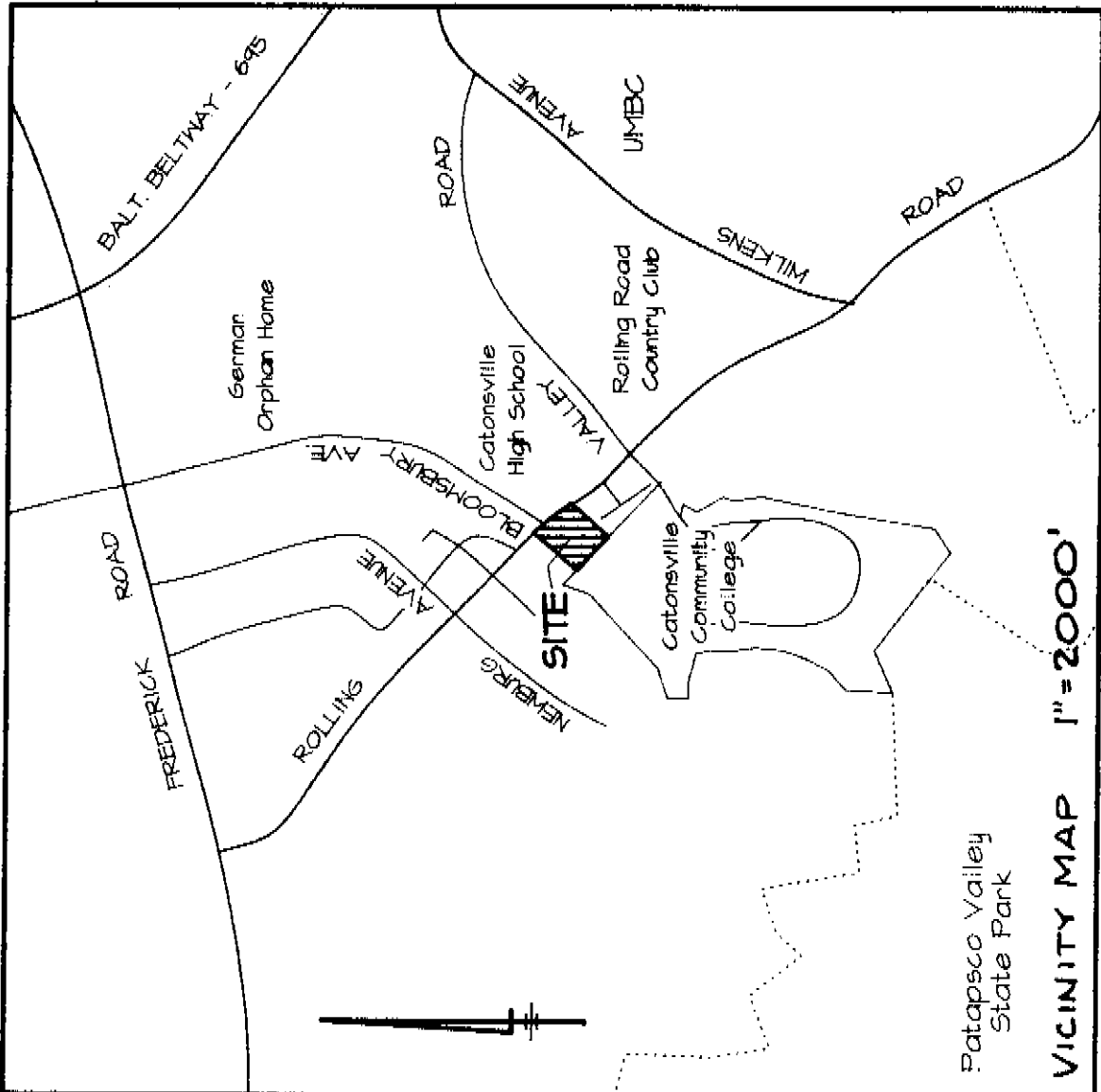
ZONING REQUIREMENTS - DR 2

1. LOT SIZE : 20,000 SQ. FT.
2. LOT WIDTH AT FRONT BUILDING FACE : 175'
3. SIDE YARD SETBACK : 20' MINIMUM - SUM OF 50'
4. PARKING SPACES : 1.5 PER BEDROOM - 4 BEDROOMS - 6 SPACES

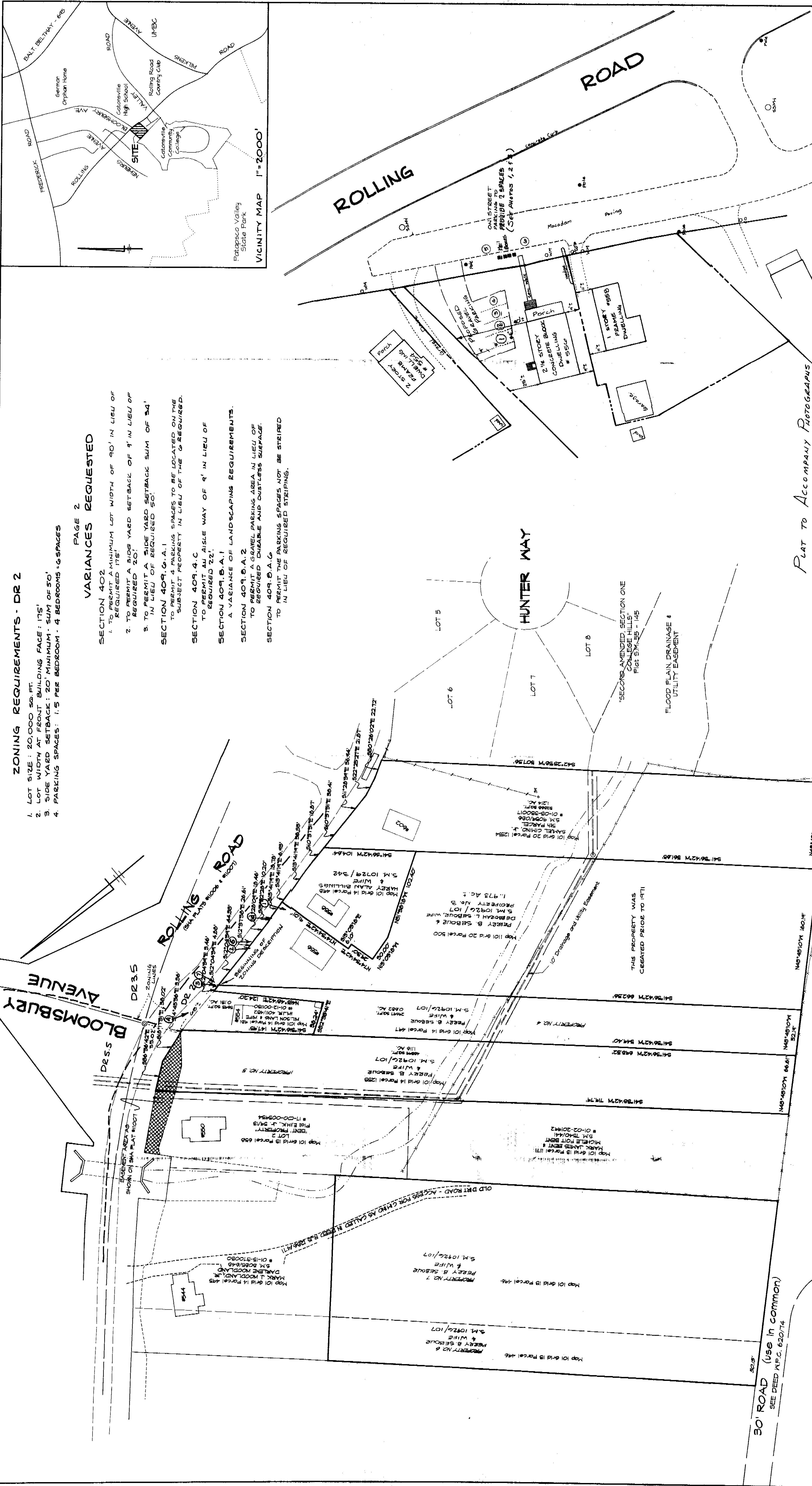
PAGE 2

VARIANCES REQUESTED

- SECTION 402
1. TO PERMIT A MINIMUM LOT WIDTH OF 90' IN LIEU OF REQUIRED 175'.
2. TO PERMIT A SIDE YARD SETBACK OF 9' IN LIEU OF REQUIRED 20'.
3. TO PERMIT A SIDE YARD SETBACK SUM OF 34' IN LIEU OF REQUIRED 50'.
- SECTION 409, G.A.1
TO PERMIT 4 PARKING SPACES TO BE LOCATED ON THE SUBJECT PROPERTY IN LIEU OF THE 6 REQUIRED.
- SECTION 409, 4.C
TO PERMIT AN AISLE WAY OF 9' IN LIEU OF REQUIRED 22'.
- SECTION 409, G.A.1
A VARIANCE OF LANDSCAPING REQUIREMENTS.
- SECTION 409, G.A.2
TO PERMIT A GRAVEL PARKING AREA IN LIEU OF REQUIRED DRAINAGE AND DUSTLESS SURFACE.
- SECTION 409, G.A.6
TO PERMIT THE PARKING SPACES NOT BE STRIPPED IN LIEU OF REQUIRED STRIPING.



VICINITY MAP 1"=2000'



PLAT TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PROPERTY OF

**PERRY B. SEBOUR &
DEBORAH L. SEBOUR**
#556 S. ROLLING ROAD

LOCATED IN
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN JUNE 8, 1995

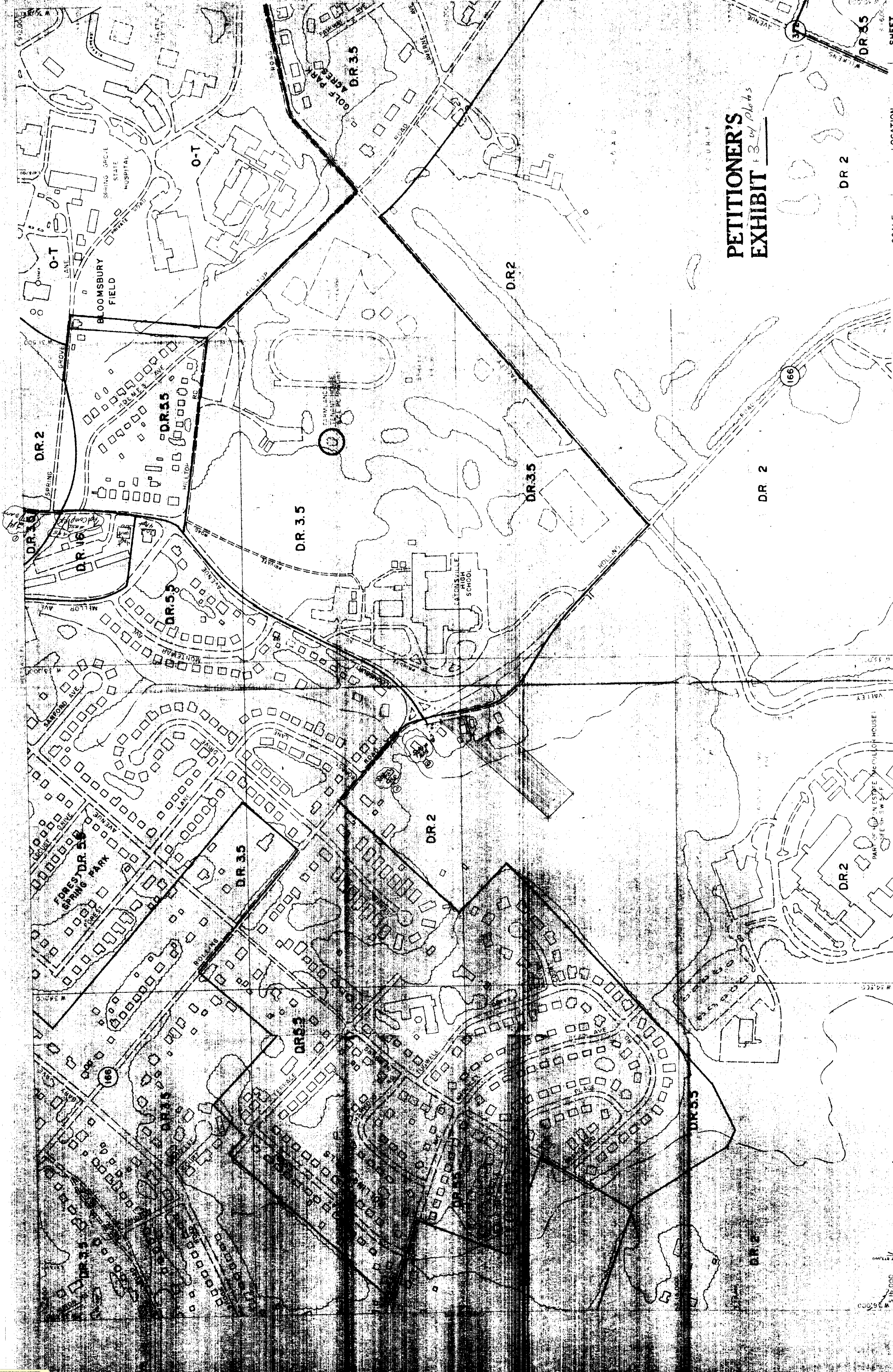
SCALE: 1"=50'

Map 10' Grid in Parcel 1652
BOARD OF TRUSTEES OF THE
BALTIMORE COUNTY HISTORIC
COMMISSION
BALTIMORE COUNTY, MARYLAND
07/6/2004
01-02-00005

SCALE: 1"=30'
MICROFILMED
EXHIBIT 2 w/ Photographs

PETITIONER'S

GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towson Road
Towson, Maryland 21286
(410) 823-4470



PETITIONER'S
EXHIBIT 13 of 16

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Map No. 10-92-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

William H. H. H.
Chairman, County Council

SHEET
SW
4-F

LOCATION

CATONSVILLE

SCALE

1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

H-SE G-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TO REFLECT CHANGES IN THE ZONING MAP
BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 15, 1992

MICROFILMED

IN RE: PETITION FOR VARIANCE
W/S Rolling Road, 68' SW of
Bloomsbury Avenue
(556 Rolling Road)
1st Election District
1st Councilmanic District
Perry B. SeBour, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-457-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 556 South Rolling Road, located in the vicinity of Frederick Road in Catonsville. The Petition was filed by the owners of the property, Perry B. and Deborah L. SeBour. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 402 to permit a minimum lot width of 90 feet in lieu of the required 175 feet, to permit a side yard setback of 9 feet in lieu of the required 20 feet, and to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; from Section 409.6.A.1 to permit four (4) parking spaces in lieu of the required 6; from Section 409.4.C to permit an aisle way width of 9 feet in lieu of the required 22 feet; from Section 409.B.A.1 to permit a variance from landscaping requirements; from Section 409.B.A.2 to permit a gravel parking area in lieu of the required durable and dustless surface; and from Section 409.B.A.6 to permit unstriped parking spaces in lieu of the required striping. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Perry SeBour, property owner, Thomas N. Evans, Jr., Esquire, attorney for the Petitioners, and

Druce E. Doak, Registered Property Line Surveyor, who prepared the site plan for this property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 1.973 acres, more or less, zoned D.R. 2 and is presently improved with a three-story dwelling containing four (4) separate apartments. Mr. SeBour testified that the house was built as four apartments in 1909 and that when he purchased the property a little over six months ago, it was in deplorable condition. Since he purchased the property, Mr. SeBour has made substantial improvements to the site. Photographs were entered into evidence depicting the appearance of the property before and after his purchase of the site. It is clear the improvements he has made have been a benefit to the surrounding community as well as to the property. Testimony indicated that due to the location of existing improvements on the property and his efforts to improve the property consistent with others in the surrounding community, the relief requested is necessary in order to continue with improvements to the site. Testimony indicated that there are other homes with apartments throughout this community and that gravel driveways and parking areas are prevalent. Furthermore, ample parking exists on Rolling Road. Testimony indicated that to require strict compliance with the zoning regulations would create a practical difficulty and unreasonable hardship for this Petitioner. Further testimony indicated that the neighbors support the Petitioners' efforts to improve this site and have no objections to the requested variances.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January

4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Lovola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Lovola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

- 2 -

- 3 -

- 4 -

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of August, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 402 to permit a minimum lot width of 90 feet in lieu of the required 175 feet, to permit a side yard setback of 9 feet in lieu of the required 20 feet, and to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; from Section 409.6.A.1 to permit four (4) parking spaces in lieu of the required 6; from Section 409.4.C to permit an aisle way width of 9 feet in lieu of the required 22 feet; from Section 409.B.A.1 to permit a variance from landscaping requirements; from Section 409.B.A.2 to permit a gravel parking area in lieu of the required durable and dustless surface; and from Section 409.B.A.6 to permit unstriped parking spaces in lieu of the required striping, for an

existing four-apartment dwelling, in accordance with Petitioner's Exhibit

1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 1, 1995

(410) 887-4386

Thomas N. Evans, Jr., Esquire
401 Washington Avenue, Suite 904
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Rolling Road, 68' SW of Bloomsbury Avenue
(556 Rolling Road)
1st Election District - 1st Councilmanic District
Perry B. SeBour, et ux - Petitioners
Case No. 95-457-A

Dear Mr. Evans:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Perry SeBour
2418 Bramarr Avenue, Catonsville, Md. 21228

People's Counsel

file

Printed with Soybean Ink
on Recycled Paper

#450
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 556 S. Rolling Rd. Catonsville, MD 21228
which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED PAGE 2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (Indicate hardship or practical difficulty)

The property was purchased with an existing house being utilized as apartments. The apartments have all been completely renovated as such since that purchase. It would be financially devastating to our family if these variances are not granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I do hereby agree to pay expenses of above Variance, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Signature of Petitioner: Perry Bruce SeBour
Signature of Spouse: Deborah Lynn SeBour
Signature of Attorney: Thomas N. Evans, Jr.
Address: 2418 Bramarr Ave. #10 Catonsville MD 21228
City: Catonsville State: MD Zip: 21228
Name: _____ Address: _____ City: _____ State: _____ Zip: _____
Date: _____
ESTIMATED LENGTH OF HEARING: 1 hr
REVIEWED BY: MDK DATE: 8/16/95

ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

95-457-A

PAGE 2
VARIANCES REQUESTED

- SECTION 402
1. TO PERMIT A MINIMUM LOT WIDTH OF 90' IN LIEU OF REQUIRED 175'
2. TO PERMIT A SIDE YARD SETBACK OF 9' IN LIEU OF REQUIRED 20'
3. TO PERMIT A SIDE YARD SETBACK SUM OF 34' IN LIEU OF REQUIRED 50'

SECTION 409.6.A.1
TO PERMIT 4 PARKING SPACES TO BE LOCATED ON THE SUBJECT PROPERTY IN LIEU OF THE 6 REQUIRED.

SECTION 409.4.C
TO PERMIT AN AISLE WAY OF 9' IN LIEU OF REQUIRED 22'

SECTION 409.B.A.1
A VARIANCE OF LANDSCAPING REQUIREMENTS.

SECTION 409.B.A.2
TO PERMIT A GRAVEL PARKING AREA IN LIEU OF REQUIRED CURABLE AND CUSTLESS SURFACE.

SECTION 409.B.A.6
TO PERMIT THE PARKING SPACES NOT BE STRIPED IN LIEU OF REQUIRED STRIPING.

GORDON T. LANGDON
EDWARD F. DEAROLD
BRUCE E. SEAR

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors
SUITE 100
330 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

EXECUTIVE
PAUL G. DOLLEBERG
PHILIP A. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH

June 8, 1995

Zoning Description
556 South Rolling Road

All that piece or parcel of land situate, lying and being in the First Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point on the west side of South Rolling Road, as widened, said point of beginning being distant 68 feet, measured southerly from the intersection of the west side of South Rolling Road along the west side of South Rolling Road with the prolongation of the center line of Bloombury Avenue, thence running and binding on the said south side of South Rolling Road the five following courses and distances, viz: 1) South 12 degrees 04 minutes 39 seconds East 44.33 feet, 2) South 12 degrees 37 minutes 38 seconds East 26.61 feet, 3) South 11 degrees 28 minutes 09 seconds East 18.46 feet, 4) South 15 degrees 52 minutes 28 seconds East 10.20 feet, and 5) South 13 degrees 41 minutes 19 seconds East 18.78 feet, thence leaving said road and binding on the outlines of the herein Petitioner the eight following courses and distances, viz: 6) South 74 degrees 54 minutes 42 seconds West 91.09 feet, 7) South 15 degrees 05 minutes 18 seconds East 6.10 feet, 8) South 74 degrees 54 minutes 42 seconds West 29.30 feet, 9) South 15 degrees 05 minutes 18 seconds East 30.00 feet, 10) South 31 degrees 58 minutes 18 seconds East 102.40 feet, 11) South 41 degrees 56 minutes 42 seconds West 457.02 feet, 12) North 43 degrees 43 minutes 10 seconds West 160.19 feet, 13) North 41 degrees 56 minutes 42 seconds East 662.35 feet to the place of beginning.

Containing 1.973 Acres of land, more or less.

This description is not for conveyance purposes and only fulfills the requirements of the Baltimore County Office of Zoning.



450

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Perry Bruce SeBour
Petitioner: Perry Bruce SeBour
Location of property: 556 S. Rolling Rd., W/5
Location of Sign: Perry Bruce SeBour, 556 S. Rolling Rd.
Remarks:
Posted by: [Signature]
Number of Signs: 2
Date of Posting: 6/30/95
Date of return: 7/1/95

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/29, 1995

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland, 21204 as follows:

CASE NUMBER: 95-457-A (Item 450)
556 S. Rolling Road
W/5 S. Rolling Road, 68' S of c/l Bloombury Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Perry Bruce SeBour and Deborah Lynn SeBour
Hearing: Tuesday, July 18, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a minimum lot width of 90 feet in lieu of the required 175 feet; to permit a side yard setback of 9 feet in lieu of the required 20 feet; to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; to permit 4 parking spaces to be located on the subject property in lieu of the 6 required; to permit an aisle way of 9 feet in lieu of the required 22 feet; to permit a variance of landscaping requirements; to permit a gravel parking area in lieu of the required durable and custless surface; and to permit the parking spaces not be striped in lieu of the required striping.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391. 228 June 29.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-457-A (Item 450)
556 S. Rolling Road
W/5 S. Rolling Road, 68' S of c/l Bloombury Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Perry Bruce SeBour and Deborah Lynn SeBour
Hearing: TUESDAY, JULY 18, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a minimum lot width of 90 feet in lieu of the required 175 feet; to permit a side yard setback of 9 feet in lieu of the required 20 feet; to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; to permit 4 parking spaces to be located on the subject property in lieu of the 6 required; to permit an aisle way of 9 feet in lieu of the required 22 feet; to permit a variance of landscaping requirements; to permit a gravel parking area in lieu of the required durable and custless surface; and to permit the parking spaces not be striped in lieu of the required striping.

Arnold Jablon
Director

cc: Perry and Deborah SeBour

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 450

Petitioner: SeBour, Perry

Location: 556 S. Rolling Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SeBour, Perry

ADDRESS: 2418 Bramarr Ave

Catonsville MD 21228

PHONE NUMBER: (410) 465-4642

AJ:ggg

(Revised 04/09/94)

TO: PERRY PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Perry SeBour
2418 Bramarr Avenue
Catonsville, MD 21228
465-4642

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-457-A (Item 450)
556 S. Rolling Road
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Legal Owner(s): Perry Bruce SeBour and Deborah Lynn SeBour
Hearing: TUESDAY, JULY 18, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a minimum lot width of 90 feet in lieu of the required 175 feet; to permit a side yard setback of 9 feet in lieu of the required 20 feet; to permit a side yard setback sum of 34 feet in lieu of the required 50 feet; to permit 4 parking spaces to be located on the subject property in lieu of the 6 required; to permit an aisle way of 9 feet in lieu of the required 22 feet; to permit a variance of landscaping requirements; to permit a gravel parking area in lieu of the required durable and custless surface; and to permit the parking spaces not be striped in lieu of the required striping.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 1995

Mr. and Mrs. Perry Bruce SeBour
2418 Bramarr Avenue
Catonsville, Maryland 21228

RE: Item No.: 450
Case No.: 95-457-A
Petitioner: P. B. SeBour, et ux

Dear Mr. and Mrs. SeBour:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 12, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-457-A

Account: R-001-6150

Number

Date: 6/12/95

Item: 450

Tax: 87.700

SeBour, Perry - 556 S. Rolling Rd

820 - Comm Var. - \$250.00

000 - 1 sign - \$35.00

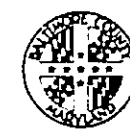
\$285.00

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY
887-3391/544025-12-95

\$285.00

Cashier Validation

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUN. 26, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 450, 451, 452, 453, 454, 455, 457, 458, 459, 460, 463 AND 464.

RECEIVED
JUL 3 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 6/29/95

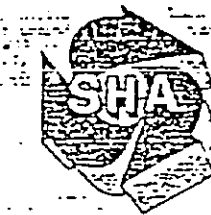
DATE: 6/30/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:
450
451
452
453
456
457
458
459
460
463
465
467

LS:sp

LETTY2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoli
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 450 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 7, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review
RE: Zoning Advisory Committee Meeting
for July 3, 1995
Item No. 450

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

The driveway entrance will be constructed per Dept. of Public Works Standard Plate R-15, Typical Driveway Entrance from Road without Curb and Gutter.

We recommend that the request to waive the requirements to conform with the Landscape Manual be denied.

RWB:sw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Thomas M. Eustis
att for Baltimore
Larry L. Brown owner
Bruce E. Dean - General Contractor
401 N. HINTON AVE
2113 BENDHILL AVE
320 E. TOWNSHIP BLVD. Towson, Md
21206



Front view of the house on 4/25/95

Apr 1995

June 1995
still needs downspouts
& trim paint.

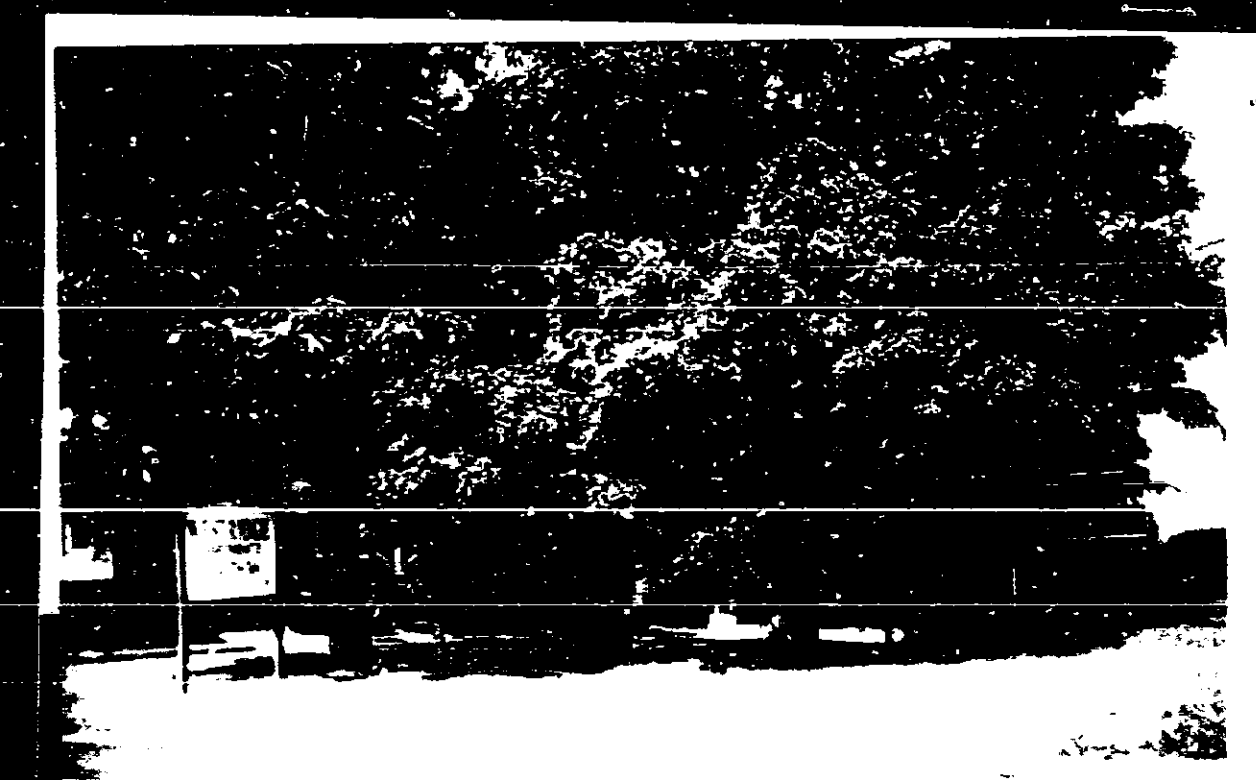


①
214 Bloomsbury
1/10 of 1 mile
from 556 S.
Rolling Rd
3 apt units

②
540 S. Rolling Rd
2 apts.

2nd house up
from 556 S.
Rolling

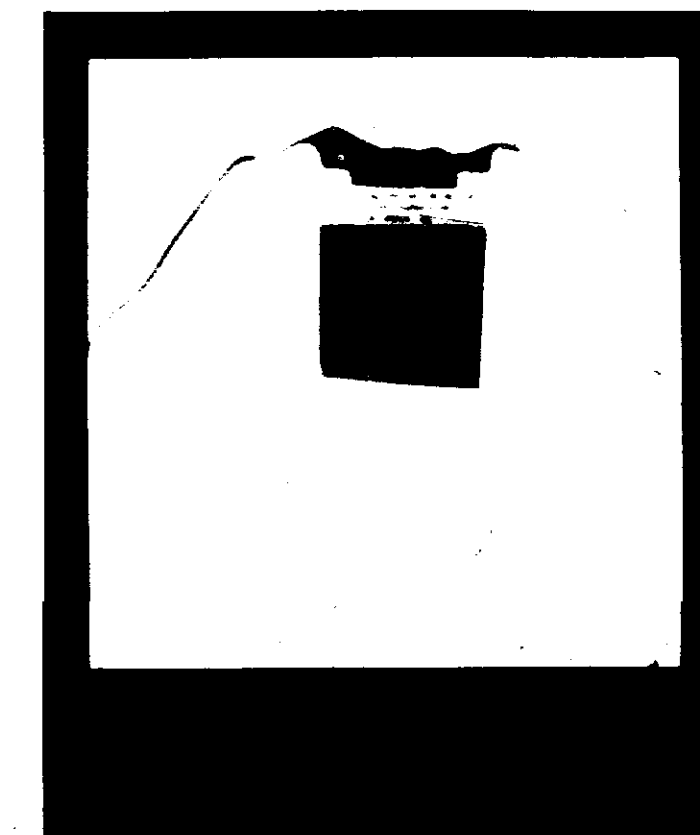
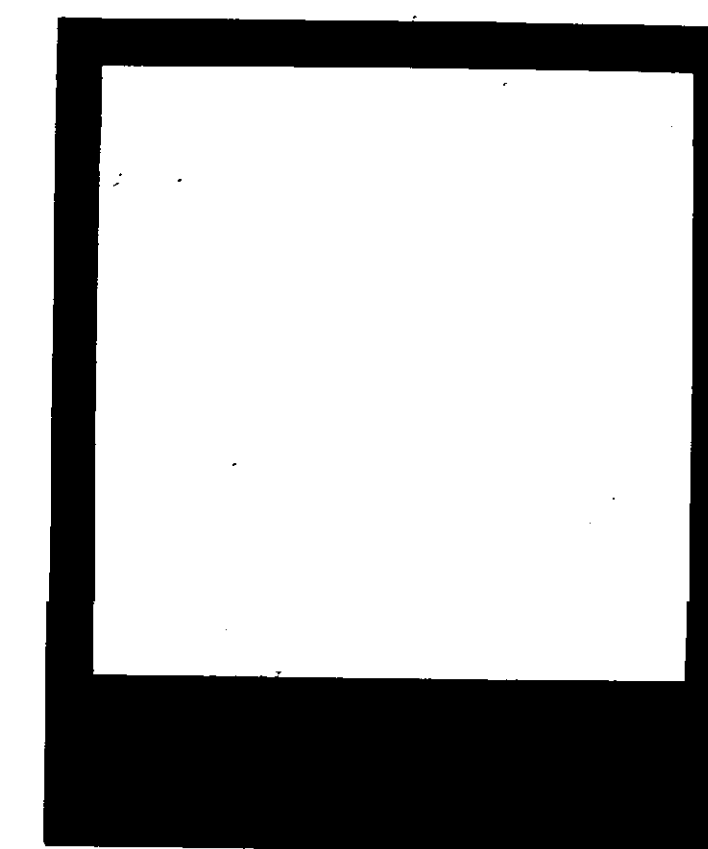
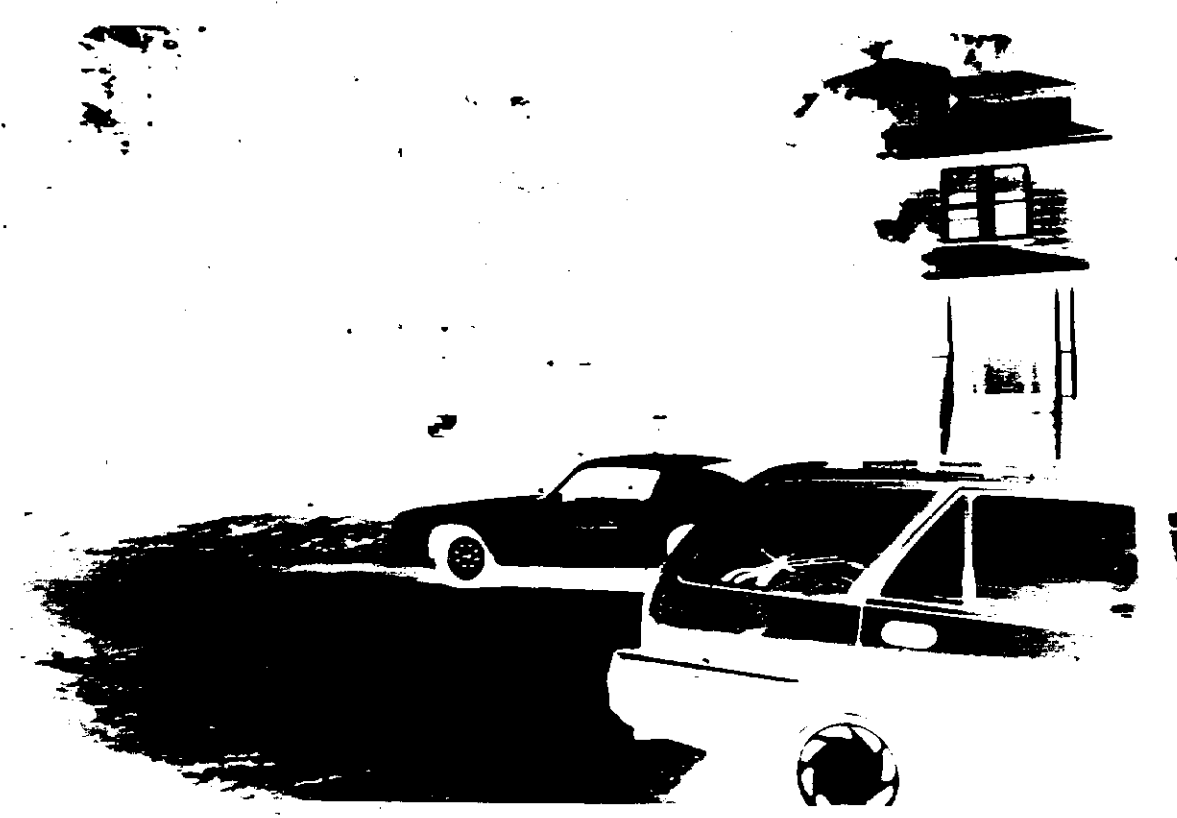
③
544 S. Rolling Rd
2 apts.
3 houses up
from 556 S.
Rolling

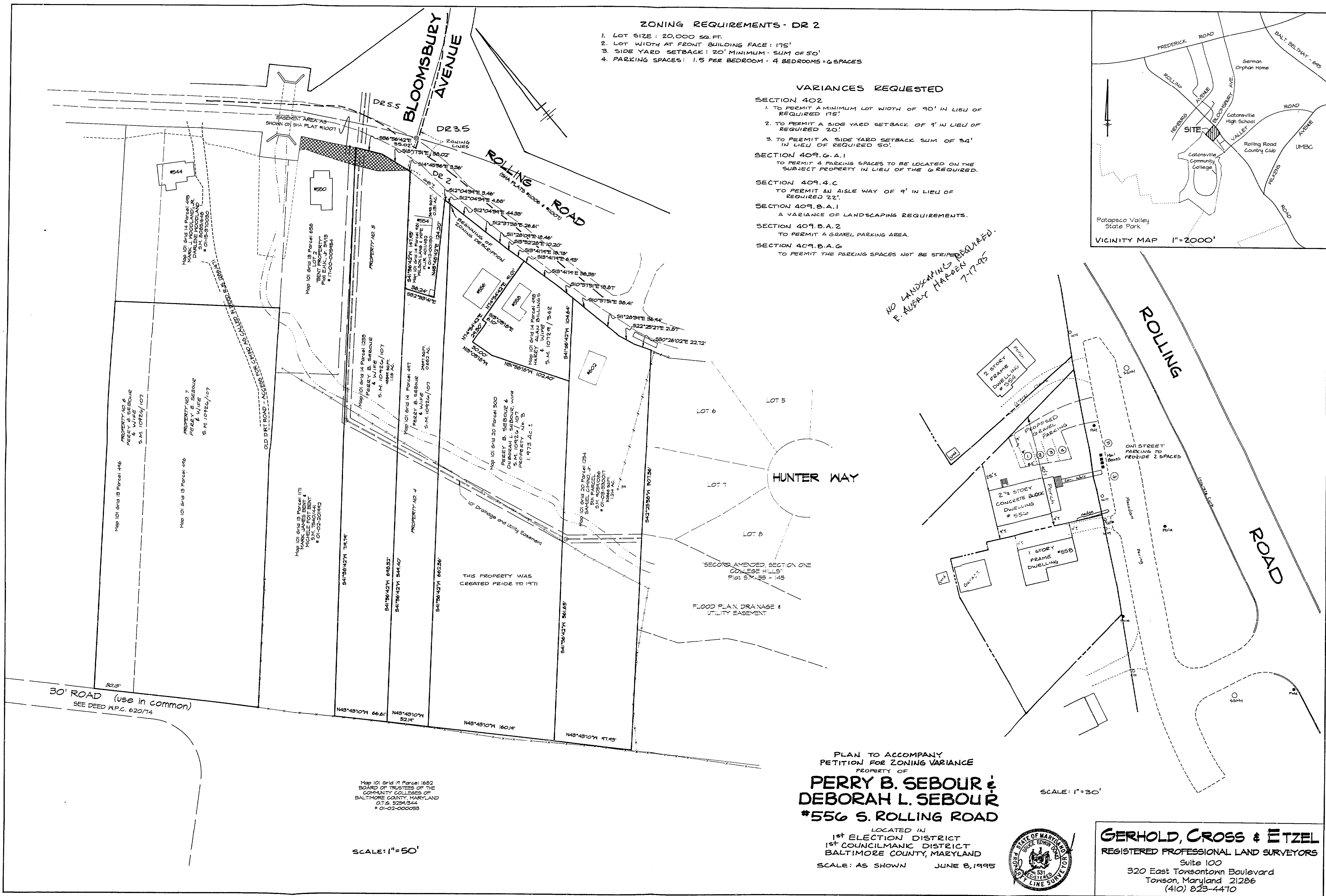


④
Apt. Complex
on Bloomsbury
Ave. 2/10 of
1 mile from
556 S. Rolling Rd.

⑤
4 apt unit
next to the
above Apt
Complex.

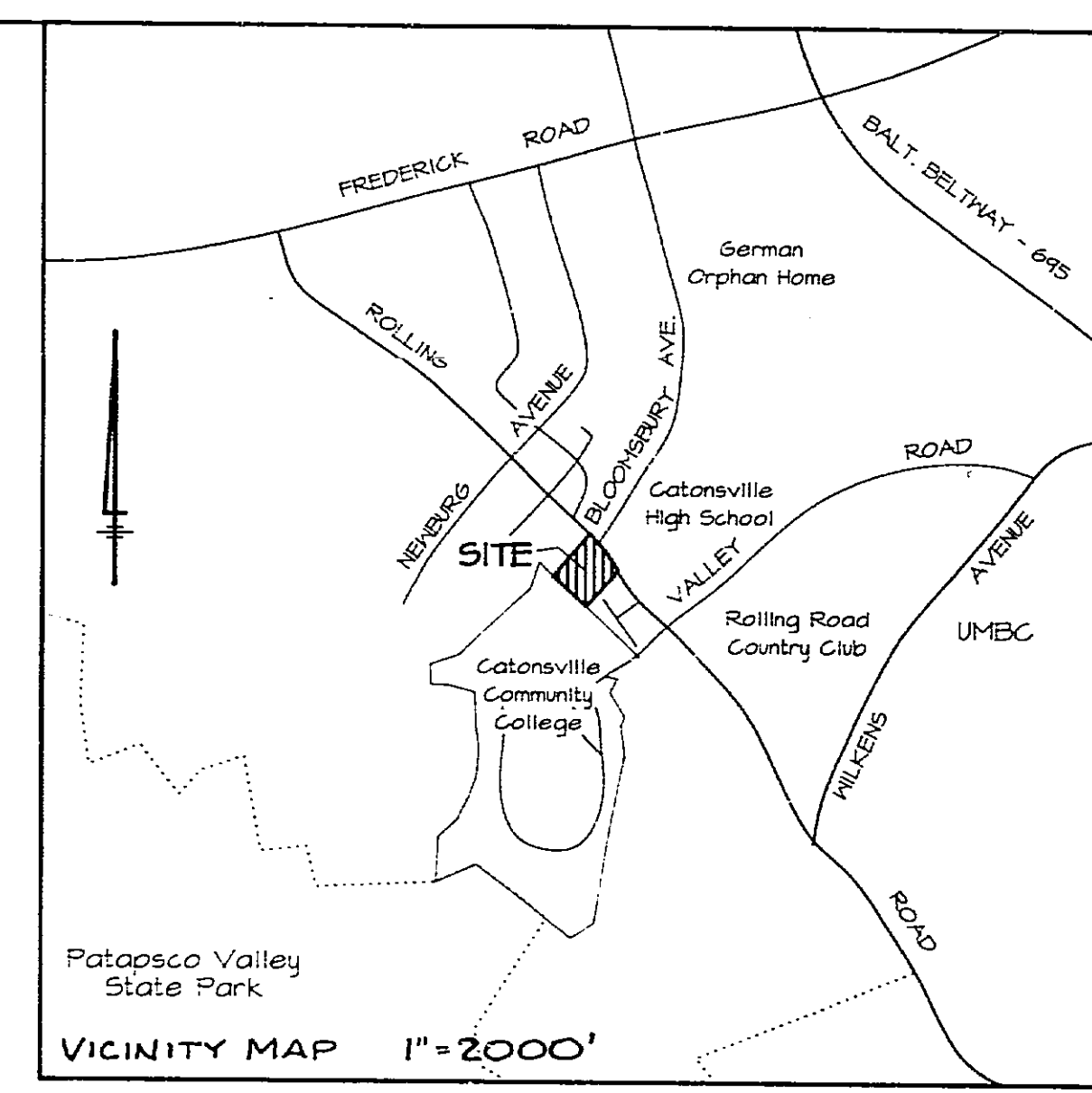
*Letting
95-467-A
photographs*





- ZONING REQUIREMENTS - DR 2**
- 1. LOT SIZE: 20,000 SQ. FT.
 - 2. LOT WIDTH AT FRONT BUILDING FACE: 175'
 - 3. SIDE YARD SETBACK: 20' MINIMUM - SUM OF 50'
 - 4. PARKING SPACES: 1.5 PER BEDROOM - 4 BEDROOMS - 6 SPACES

- VARIANCES REQUESTED**
- SECTION 402**
- 1. TO PERMIT A MINIMUM LOT WIDTH OF 90' IN LIEU OF REQUIRED 175'
 - 2. TO PERMIT A SIDE YARD SETBACK OF 9' IN LIEU OF REQUIRED 20'
 - 3. TO PERMIT A SIDE YARD SETBACK SUM OF 34' IN LIEU OF REQUIRED 50'
- SECTION 409.6.A.1**
- TO PERMIT 4 PARKING SPACES TO BE LOCATED ON THE SUBJECT PROPERTY IN LIEU OF THE 6 REQUIRED.
- SECTION 409.4.C**
- TO PERMIT AN AISLE WAY OF 9' IN LIEU OF REQUIRED 22'
- SECTION 409.B.A.1**
- A VARIANCE OF LANDSCAPING REQUIREMENTS.
- SECTION 409.B.A.2**
- TO PERMIT A GRAVEL PARKING AREA.
- SECTION 409.B.A.6**
- TO PERMIT THE PARKING SPACES NOT BE STRIPED.



PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PROPERTY OF
**PERRY B. SEBOUR &
DEBORAH L. SEBOUR**
#556 S. ROLLING ROAD

LOCATED IN
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN JUNE 8, 1995



GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

ZONING REQUIREMENTS - DR 2

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2. LOT WIDTH AT FRONT BUILDING FACE: 175'
3. SIDE YARD SETBACK: 20' MINIMUM - SUM OF 50'
4. PARKING SPACES: 1.5 PER BEDROOM - 4 BEDROOMS - 6 SPACES

PAGE 2

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SECTION 409.4.C

TO PERMIT A LAISLE WAY OF 9' IN LIEU OF REQUIRED 22'

SECTION 409.8.A.1

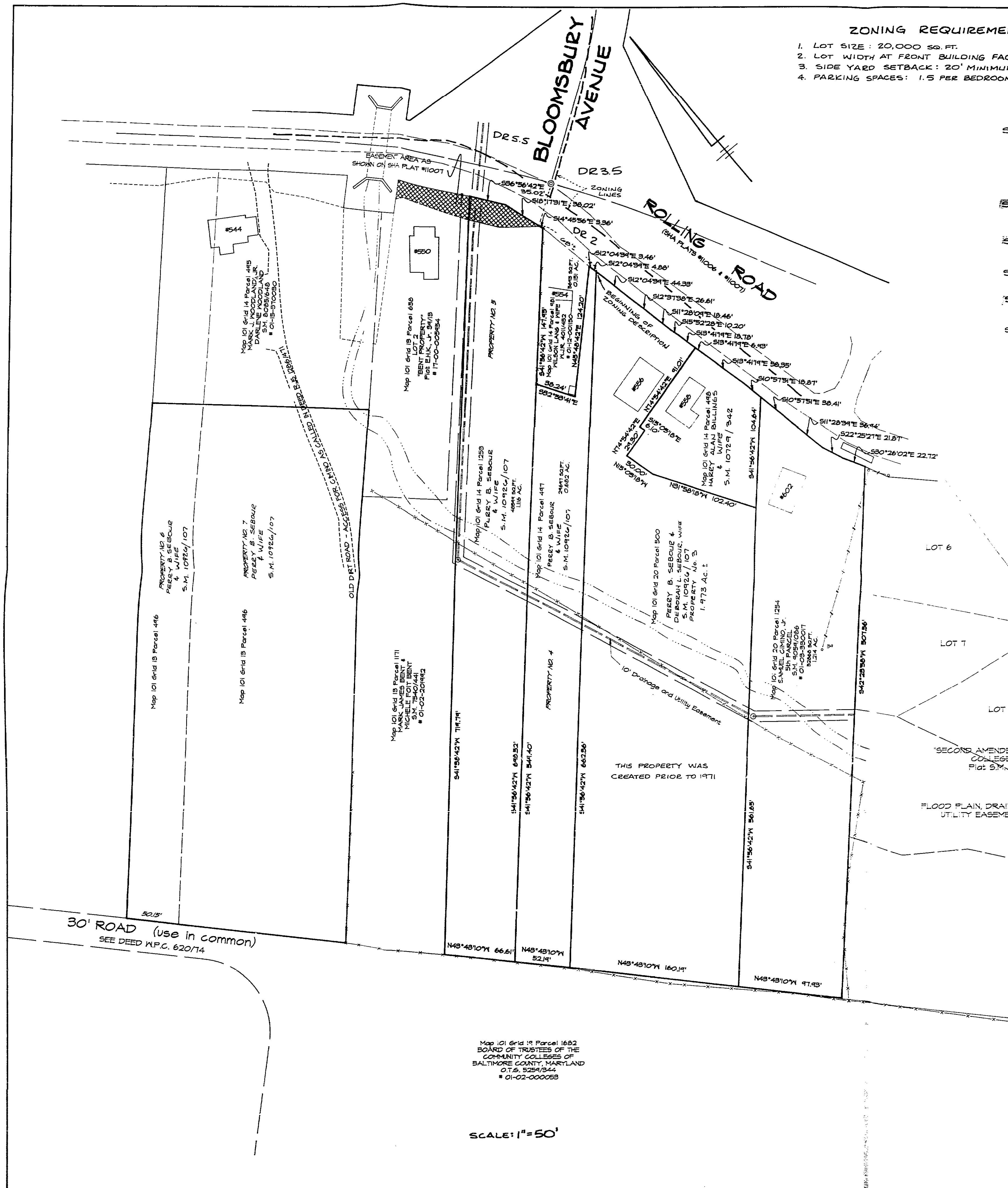
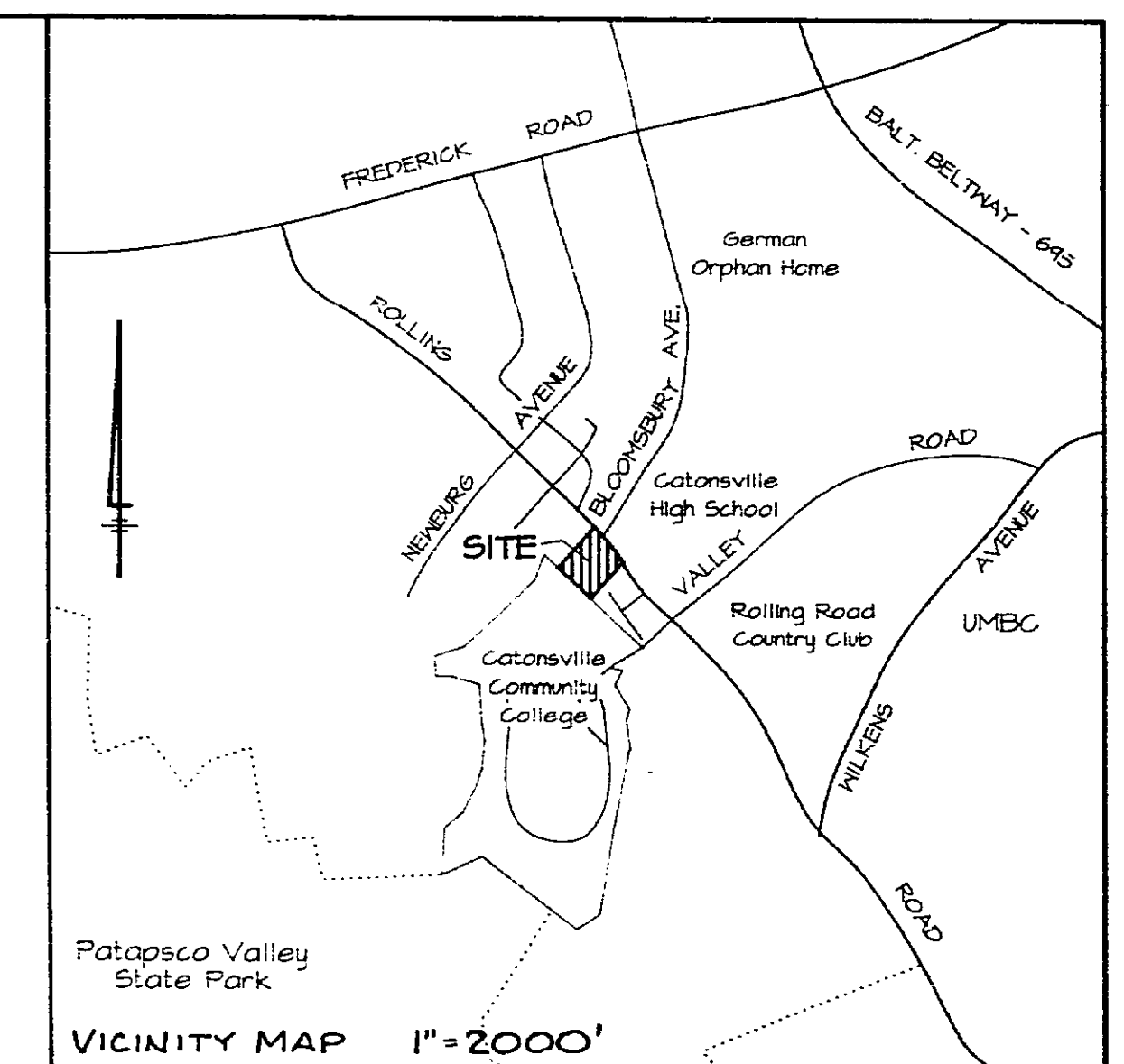
A VARIANCE OF LANDSCAPING REQUIREMENTS.

SECTION 409.8.A.2

TO PERMIT A GRAVEL PARKING AREA IN LIEU OF REQUIRED DURABLE AND OUSTLESS SURFACE.

SECTION 409.8.A.6

TO PERMIT THE PARKING SPACES NOT BE STRIPED IN LIEU OF REQUIRED STRIPING.



HUNTER WAY

"SECOND AMENDED, SECTION ONE COLLEGE HILLS" FIG. 51, 55 - 145

FLOOD PLAIN, DRAINAGE & UTILITY EASEMENT

THIS PROPERTY WAS CREATED PRIOR TO 1971

Map 101 Grid 18 Parcel 1682
BOARD OF TRUSTEES OF THE
COMMUNITY COLLEGE OF
BALTIMORE COUNTY, MARYLAND
07-16-1004-004
01-02-0000058

SCALE: 1" = 50'

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PROPERTY OF

**PERRY B. SEBOUR &
DEBORAH L. SEBOUR**
#556 S. ROLLING ROAD

LOCATED IN
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN JUNE 8, 1995

SCALE: 1" = 30'

**PETITIONER'S
EXHIBIT**

GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

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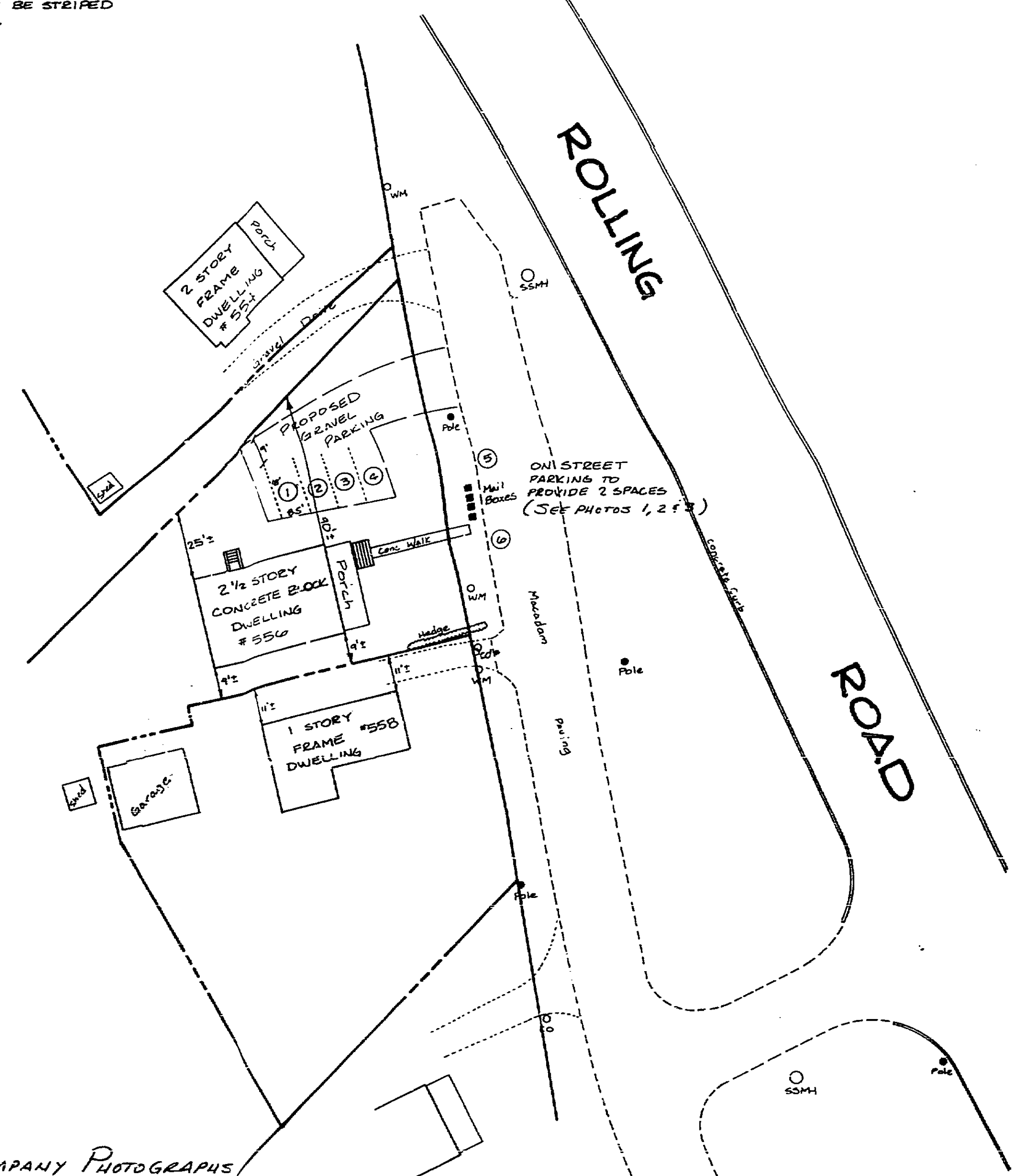
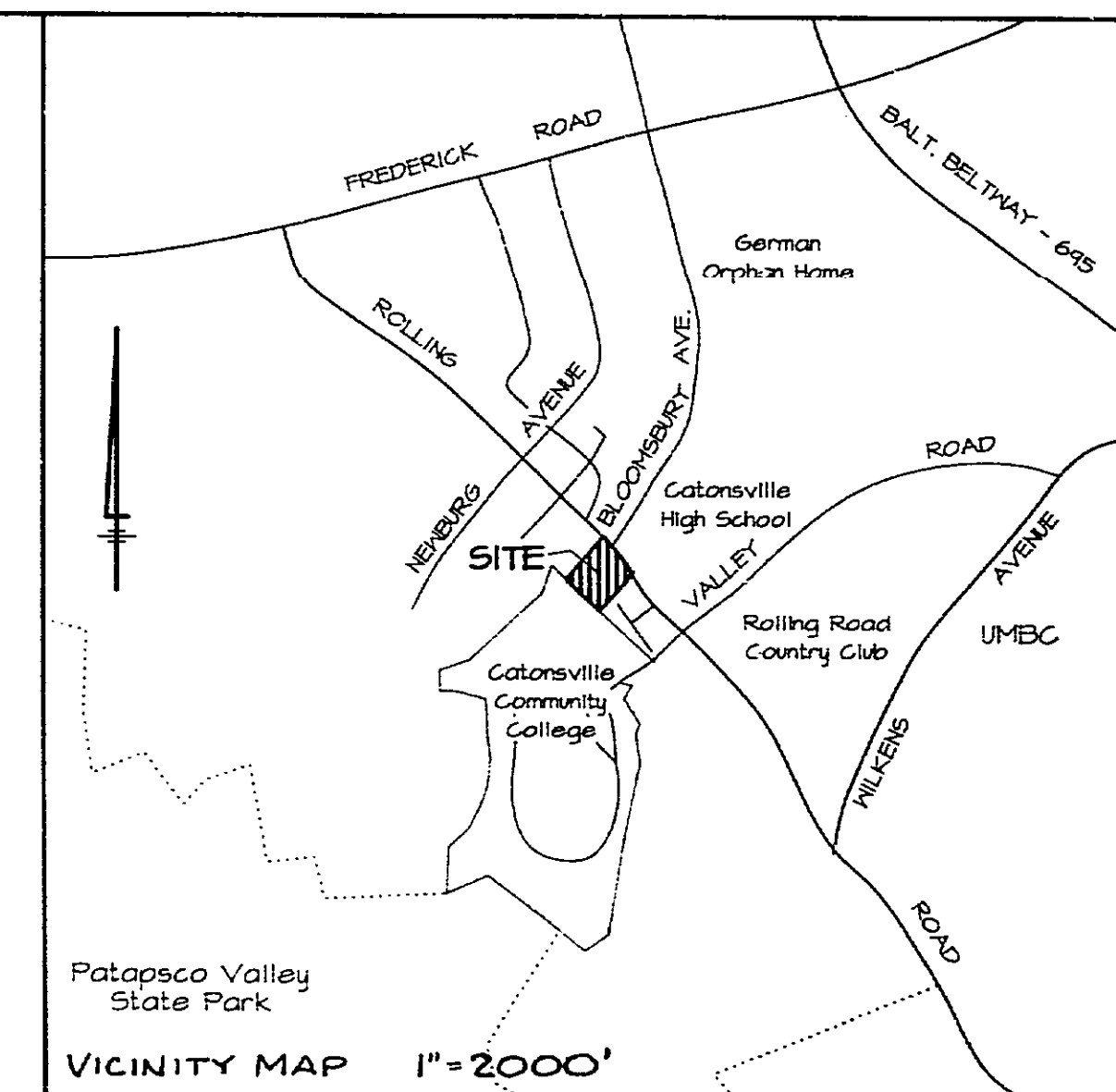
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PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PROPERTY OF
**PERRY B. SEBOUR &
DEBORAH L. SEBOUR**
#556 S. ROLLING ROAD

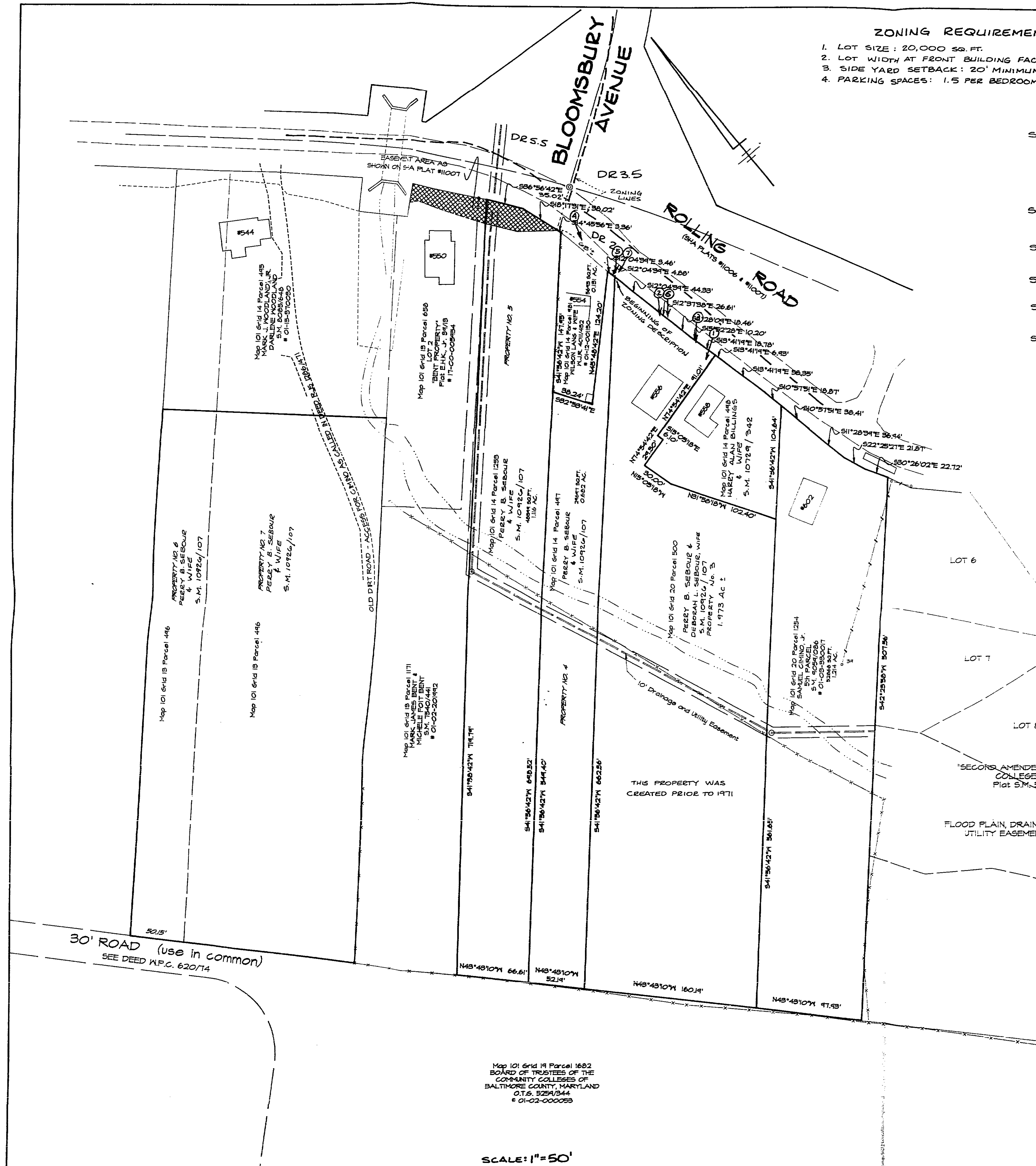
LOCATED IN
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN JUNE 8, 1995

SCALE: 1"=30'

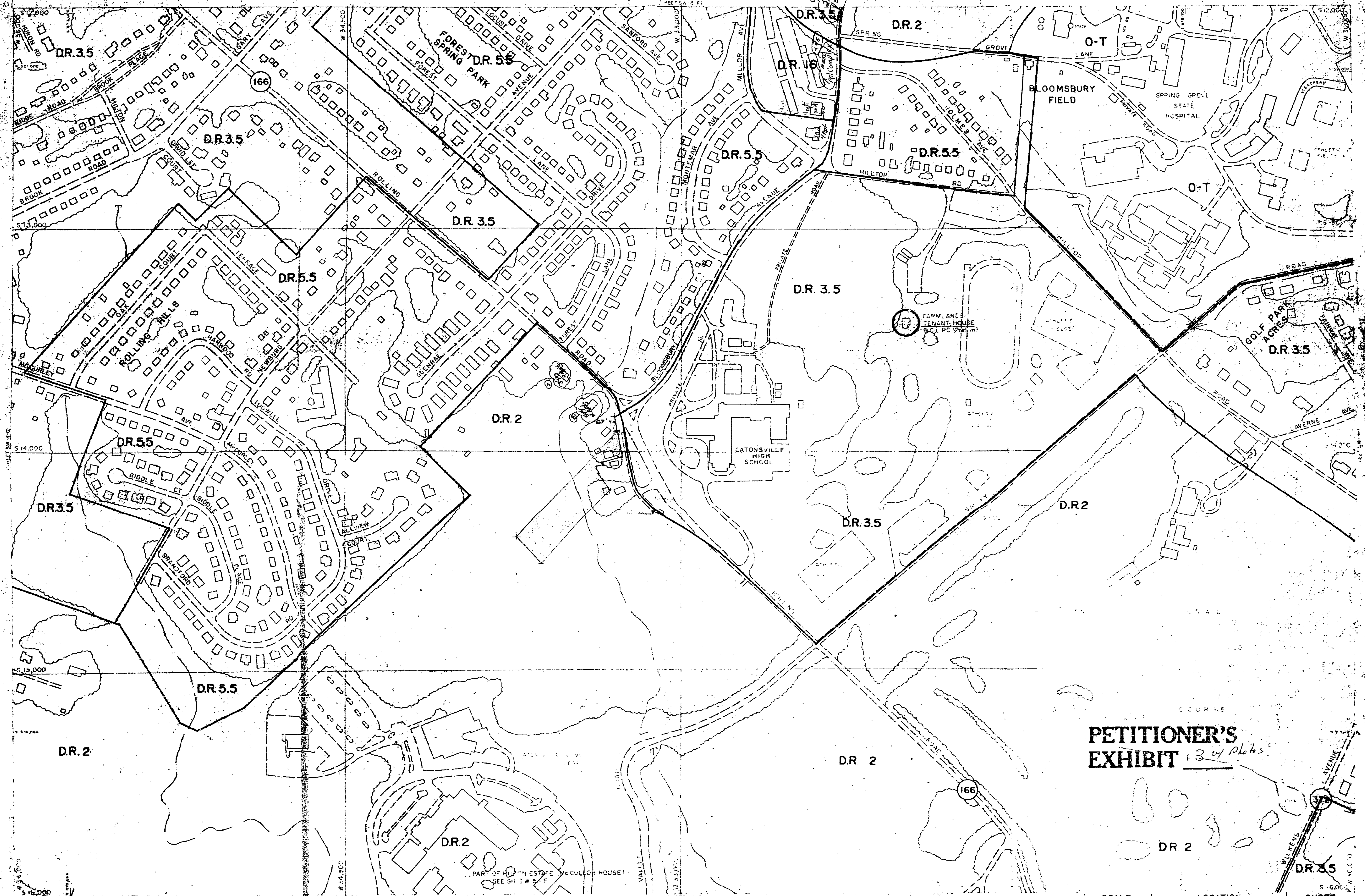
**PETITIONER'S
EXHIBIT 2 w/ Photographs**

GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



SCALE: 1"=50'



**PETITIONER'S
EXHIBIT** *3 w/ Photos*

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard, Jr.
Chairman, County Council

SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET SW 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCKART-HORN, INC. BALTIMORE, MD 21216

122 11/17/92
11/17/92
11/17/92